

Mayor Edwards called the meeting to order at 6:00 p.m. Present were: Mayor Connie Edwards, Matt Schutte, Tony Schultz. Also present were: Chris Peterson, Attorney Jed Hammell, Audrey Hegland, Gene Lundak, Dan Smith and Ellyn Baumann.

Annexation: Peterson explained the steps that must be met regarding the annexation:

1) Before November 1, the City must provide the Township and file with the Office of Administrative Hearings the following:

- a. An accurate, complete and certified corporate boundary map complying with all applicable law and rule which delineates the actual legal boundaries of the City, including any islands of property within its main borders which remain outside the municipal boundaries and remain in the boundaries of any adjoining township; and,
- b. Provide proof of compliance with MN Statute §414.036 with respect to the provision for reimbursement from the City to the Township “for all or part of the taxable property annexed” in light of the taxable value of the Properties, noted herein to be \$3,211.79 on an annualized basis.

2) On or before November 14, 2016, the Township will serve upon the City and file with the Office of Administrative Hearings any objections it has to the City’s supplemental filings with respect to inaccuracy, incompleteness, lack of certification or other indicia of unreliability.

Peterson provided a copy of the certified map and the following information:

- 1) The Farmers Coop Elevator and land owned by James Chapel on each side of Hwy 76 is in the city.
- 2) Relating to 1918 annexation, ordinance 29, there is a small gap not within the city limits; a request to include this gap would be in order.
- 3) A gap related to the 1979 annexation is not significant and is eliminated with the overlying 1997 annexation.
- 4) 1997 annexation is area north of the north boundary of 7th Street. Therefore Prairie Meadows does not include its southern-most street, 7th Street, in city limits. Correspondence has been found that attorneys noted to modify the legal description to include 7th Street, but the revision did not show up in the final annexation. The City will submit this documentation.
- 5) 1999 annexation did not seem to cover area far enough west, resulting in an island left in the township (area of Steve Erickson’s house).
- 6) Strips of land north of the wastewater treatment plant; rights to this corridor are needed for pipes but may not matter if it is in the city limits.

After discussion, MOTION WAS MADE BY SCHULTZ, SECONDED BY SCHUTTE TO COMPLY WITH THE JUDGE’S ORDER TO REIMBURSE THE TOWNSHIP FOR ALL OR PART OF THE TAXABLE PROPERTY ANNEXED, AND THAT IT BE PAID FOR A PERIOD OF TWO YEARS; MOTION CARRIED UNANIMOUSLY.

Feedlot: Peterson stated it is likely that the County’s Board of Adjustment will make a decision on the variance request based on the staff report issued. Peterson itemized what the City will present at the County meeting, which will take place at 6:45 p.m. on this date:

- The subdivision plats existed prior to the farm;
- The few other feedlots existing near the City are all closer to a half mile of Houston but not as close to the town as the Stuttgen farm and none of the others are within the levee. In addition, all other feedlots have been in existence since prior to regulations and have not expanded;
- Negative effect on neighbors (new info available on property value impact)
- Existence of Flowage Easement for flood control over most of west half of Stuttgen’s property, and a small portion of the west barn is within this easement;
- Criteria for Variance is not met, including:
 - a. Practical difficulties are not due to circumstances unique to this property; the location of the property was known;

- b. There is a substantial variation to setback requirement;
- c. There is a negative effect on government services due to the flood control system maintained by the City of Houston;
- d. A substantial change in character to the neighborhood since this farm has not had animals for over 10 years and never to the level being proposed;
- e. Granting the variance will be detrimental to the public welfare and injurious to property and improvements in the area: Pollution, Odor, Noise, and Property Values.

Peterson provided a copy of a letter and accompanying attachments that was sent to the County Board of Adjustments with a copy emailed to the County's Zoning Officer about the development:

- The Original Village of Houston Plat was created in 1854 consisted of Lots and Blocks for the land where the Stuttgen farm is now located (Exhibit A). There was also a subdivision east of Hwy 76 named Knudson's Addition (Exhibit B);
- In 1857, Crookston's Addition Plat covered the land which is now partially replatted as Prairie Meadows (Exhibit A);
- In 1874 the Village of Houston (City) was incorporated and included the farm area within its corporate limits;
- In 1876, the law was amended to exclude certain lands from corporate limits, including the area where the farm now exists. After the lands were excluded, the east corporate limit of the City was what we now know as Erickson Street;
- The Houston County tax records list 1880 as the year built for the house on the Stuttgen property. The age of the barns was not readily available;
- The annexation of 1997 extended the eastern corporate limit to La Crosse Street, which runs on the west side of the farm;
- 1997 Vacation of Blocks 1,2,7,8,9,10,13,14,15 and 16, and adjoining streets and alleyways of 1854 Original Village of Houston Plat, East Half of La Crosse Street (Township);
- 2005 Prairie Meadows Subdivision of Crookston's Addition and Original 1854 Houston Plat (Exhibit C).

The above facts show that platted subdivisions have existed east of Houston since 1854, prior to the feedlot. In addition, the farm has always been within half-mile of corporate limits, even from the previous eastern border of Erickson Street (Exhibit D). Also, the historical aerial photos from the last 10 years do not show any signs of animals on the farm.

Peterson also shared an email sent to Aaron Lacher, Houston County Zoning Officer with copies to Dana Werner, Corp of Engineers, Jed Hammell, City Attorney, Ceil Strauss, MnDNR, and David Walter, SWCD. The email included the map, plus relative facts, including:

- Regardless of what happens to floodplain boundaries, the City holds a Flowage Easement over roughly the west half of the Stuttgen property, described over Blocks 10, 7 and Lots 7,8,9 and 10 of Block 2, Houston 1854 Subdivision, including any adjacent or contiguous streets;
- The document (202968) is recorded at the County. It was part of the acquisition for the Flood Control Project in the late 90's. Thorson was paid for the easement at that time. Since the Corps of Engineers closely regulates everything within the City's Flood Control Project easements, they may have concerns about the runoff;
- The County's staff report for the feedlot application lists no negative effects on government functions. This is obviously not the case with the close proximity to our flood control system.
- The City firmly stands that the criteria is not met for the County to grant a variance.

MOTION BY SCHULTZ, SECONDED BY SCHUTTE TO ADJOURN AT 5:45 P.M; MOTION CARRIED UNANIMOUSLY.